

TOWN OF ROCKPORT
WARRANT FOR
FALL TOWN MEETING
Monday, September 12, 2022
The Commonwealth of Massachusetts

Essex, ss.

To: One of the Constables of the Town of Rockport,
Massachusetts in said County of Essex in the
Commonwealth of Massachusetts.

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet and assemble at the Rockport High School at 24 Jerden's Lane in said Rockport on Monday, the twelfth day of September, 2022 A.D., at 5:30 in the evening, then and there to act on the following articles, to wit:

ARTICLE A. To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto. *(Board of Selectmen) (Requires 9/10 vote)*

ARTICLE B. To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 2, 2022 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto. *(Board of Selectmen) (Requires majority vote)*

ARTICLE C. To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2, Section 5(d)(ii) of the Code of By-laws; or act on anything relative thereto. *(Community Preservation Committee) (Requires majority vote)*

ARTICLE D. To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community Preservation Fund FY2023 estimated annual revenues for later spending for the respective purposes indicated:

First, a sum of money to be deposited in the Community Housing Reserve Account;

Second, a sum of money to be deposited in the Open Space/Recreation Reserve Account;

Third, a sum of money to be deposited in the Historic Preservation Reserve Account;

or act on anything relative thereto. (*Community Preservation Committee*) (*Requires majority vote*)

ARTICLE E.

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund or by borrowing the following amounts for the respective purposes indicated:

First, \$40,000 to be expended under the direction of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee, to study options for the restoration, rehabilitation, and preservation of Bradley Wharf;

Second, \$239,000 to be expended under the direction of the Director of Public Works and DPW Commissioners, working with the Community Preservation Committee, for the restoration, rehabilitation, and preservation of Evans Field, including the bleachers;

Third, \$31,800 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee and the Rockport Historical Commission, for the restoration, rehabilitation, and preservation of the Historic Freight Crane at the railroad station, 17 Railroad Avenue, Rockport, and to enhance the safety, historic integrity, and appearance of the Freight Crane and its immediate surroundings;

Fourth, \$46,000 as a grant to the Sandy Bay Historical Society, Inc., a nonprofit corporation duly organized under the laws of the Commonwealth of Massachusetts, to be expended under the oversight of the Board of Selectmen working with the Community Preservation Committee, for the restoration, rehabilitation and historic preservation of the historic blacksmith shop at the Old Castle, at 2-4 Castle Lane, Rockport, and, as may be necessary, to authorize the Board of Selectmen to accept a preservation restriction on said building in connection therewith;

Fifth, \$140,000 as a grant to Harborlight Community Partners, a nonprofit corporation duly organized under the laws of the Commonwealth of Massachusetts, to be expended under the oversight of the Board of Selectmen working with the Community Preservation Committee, for the creation, construction, and establishment of affordable community housing at 5 Granite Street, Rockport;

Sixth, \$150,000 to be expended under the direction of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee, for the restoration, rehabilitation and historic preservation of the

exterior of the historic Pigeon Cove Fire Station at 118 Granite Street, Rockport;

Seventh, \$100,000 to be expended under the direction of the Thacher & Straitsmouth Islands Town Committee, working with the Community Preservation Committee, for the restoration, rehabilitation and preservation of the historic South Tower on Thacher Island, Rockport;

Eighth, \$334,000 as a grant to The Rockport Baptist Church, a nonprofit corporation duly organized under the laws of Massachusetts, to be expended under the direction of the Board of Selectmen, working with the Community Preservation Committee, for the restoration, rehabilitation, and preservation of the steeple on the historic Rockport Baptist Church at 4 High Street, Rockport;

or act on anything relative thereto. *(Community Preservation Committee) (Requires majority vote)*

ARTICLE F.

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to fund the cost items contained in the initial year of the collective bargaining agreements between the Town of Rockport and the following unions: AFSCME Council 93 Local 1679 Supervisors & Foremen Unit and AFSCME Council 93 Local 1679 General Unit; with the agreements covering the term of July 1, 2022 through June 30, 2025; or act on anything relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLE G.

To see if the Town will request that the Board of Selectmen vote pursuant to MGL c. 59, §5C, the residential tax exemption, for the upcoming tax rate at the maximum 35% for the assessed value of all Class One residential parcels within Rockport, provided that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes. *(Non-Binding Citizen Petition) (Requires majority vote)*

ARTICLE H.

To see if the Town will vote to amend the Town of Rockport Code of By-Laws to change the terms "Board of Selectmen" and "Selectmen" to the term "Select Board" as the terms appear throughout the entire Code of By-Laws; and further to authorize the Select Board to petition the General Court for special legislation in order to change references to "Board of Selectmen" or "Selectmen" in any special acts regarding the Town to the term "Select Board," or act on anything relative thereto. *(Government and By-Law Committee) (Requires majority vote).*

ARTICLE I. To see if the Town will vote to amend the Town of Rockport Code of By-Laws, CHAPTER 1, General Provisions, as set forth below, specific only to the amendments indicated with strikethrough text to be deleted and new text to be inserted shown in bold. (Government and By-Law) (Requires majority vote):

CHAPTER 1. GENERAL PROVISIONS

Section 1. Short Title

These by-laws (which do not include the zoning by-laws) shall be known and may be cited as the Rockport Code of By-Laws.

Section 2. Definition of Terms

- a. All references to the General Laws (“**M.G.L.**”) ~~contained in the by-laws~~ refer to the General Laws of the Commonwealth of Massachusetts ([https://malegislature.laws/gov.general laws](https://malegislature.laws/gov.general%20laws)) and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the **By-Laws**.
- b. Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender. **Pronouns referring to the holder of a specific Town Office or function shall be neutral as to gender; the use of the word “person” will be used as needed as a substitute for a personal pronoun.**
- c. In addition, the following words for the purposes of these by-laws shall, unless another meaning is clearly apparent from the way in which the word is used, have the following meanings:
 - (i) **ATM.** The Spring Annual Town Meeting;
 - (ii) *By-Laws.* ~~The word “by laws” shall mean~~ The Rockport Code of By-Laws as may be amended from time to time;
 - (iii) *Cause.* **Actions taken by an individual as a member of a board or commission which actions are described in a written statement (adopted by the majority vote of the Board of Selectmen, or other appointing authority, as the case may be) as the reasons for removal. This would include, but not be limited to, incapacity to perform**

duties or actions that are negligent or detrimental to the Town, the board or committee upon which the member is serving;

(iv) Town Charter. ~~The word “charter” or the phrase “town Charter” shall mean~~ **The form of municipal government established pursuant to “Chapter 242 of the Acts of 1959, as amended by Chapter 619 of the Acts of 1987, and as most recently amended by Chapter 133 of the Acts of 1995, and as it may be amended from a time to time;**

(v) FTM; The Fall Town Meeting, which is a standing special meeting;

(vi) Hackney Carriage. ~~The words “hackney carriage” shall mean~~ Every vehicle used, driven or set up to be used for the conveyance of persons for hire, except that it shall not include railroad cars, ambulances, trackless trolley vehicles **operating in the same manner and for purpose stated in M.G.L. c. Chapter 163, § 2, of the General Laws motor vehicles operated in the same manner and for the purpose stated in M.G.L. c. Chapter 159A, sections § 1, the General Law or sightseeing automobiles as defined in Chapter 592, Chapter section § 1 of the Statutes Acts of 1913 (<https://archives.lib.state.ma.us/handle/2452/78926>);**

(vii) Livery Boat. **A boat hired or available for hire from a person who offers boats for hire as a regular business (as defined in M.G.L. ch. c. 90B, see. § 1).** Individually owned vessels for personal use available for occasional hire are exempt from this definition;

(viii) Mailed. ~~The word “mailed” shall mean~~ Deposited in U.S. Mail, postage prepaid;

(ix) STM. **All other Special Town Meetings that are not ATM or FTM;**

(x) Street. ~~The word “street” shall mean~~ Any public way, highway, street, avenue, boulevard, alley, court, lane, common or square located within the Town, but shall not include private ways;

(xi) Town Agency(ies). ~~The words “town agency” shall mean~~ Any board, commission, committee, department or office of the Town government, whether elected, appointed or otherwise constituted;

(xii) Town Bulletin Boards. ~~The words “town bulletin boards” shall mean~~ The bulletin board on which town notices are posted, **including at a minimum, the Town Website and a bulletin board in the Town Hall;**

(xiii) Town Office. ~~The words “town office” shall mean~~ A position in the Town held by town officers as defined;

(xiv) Town Officer(s). ~~The words “town officer” shall mean~~ An elected or appointed official(s) of the Town, **whose position(s) is (are) found in law, including the General Laws, Charter or the By-Laws; and**

(xv) *Town Website.* The Town of Rockport's website will be <http://www.rockportma.gov>.

Section 3. Amendments

The Code of By-Laws may be amended, repealed, or revised from time to time by vote of the Town Meeting. All proposed by-laws adopted by the Town Meeting shall be submitted to the Attorney General for review and published, as required by the General Laws. M.G.L. c. 40, § 32.

Section 4. Town Seal

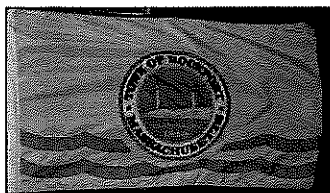
The Town shall have a seal ~~which~~ **that** shall be in the following style:



The Town Clerk shall be the keeper of the Town seal. Papers and documents issued from any Town Agency may be attested by the use of the Town seal.

Section 5. Town Flag

The Town shall have a flag ~~which~~ **that** shall be in the following style:



The Board of Selectmen shall be the keeper of the Town's flag and it shall be flown at the **Board's** discretion.

Section 6. Public Meetings

a. All meetings of elected or appointed boards and committees shall be held in a public place within the Town of Rockport unless there is an official state of emergency, a required site inspection in or out of town, a joint meeting with other municipal or state or federal government officials or a specific legal requirement to meet other than in the Town of Rockport. Action at such extraordinary meetings shall be confined to the declared state of emergency or the specific legal requirement for

the meeting and no other Town business may be undertaken. A copy of **this** Section 6, Public Meetings, shall be given to all Town Officials upon the officials appointment or election. (Added ATM 03/18/00). **All Public Meetings shall be conducted in accordance with the Open Meeting Law. M.G.L.c.30A.**

b. All meeting notices shall be posted individually on the Town Website as well as on at least one physical bulletin board at Town Hall at least forty-eight (48) hours prior to the meeting and shall remain posted for at least eighteen (18) months. Each posted notice shall include, at a minimum, the committee/board name, time and date of meeting and an agenda for the meeting; provided, however, that only two (2) weeks of such notices shall be maintained on any physical Town bulletin board with the remaining notices being filed with the Town Clerk.

Section 7. Minutes of Meetings

All boards, commissions, committees and subcommittees shall ~~notify~~ **file copies of their meeting minutes with** the Town Clerk within ~~forty five (45h) of their posted meetings that copies of all minutes the next three (3) meetings of the Town Agency or within thirty (30) days, whichever is the later,~~ **unless the Town Agency can show good cause for further delay. M.G.L. c. 30A, §22 (c). Further, said meeting minutes shall have all the necessary information conforming to M.G.L. c. 30A, §22.,**~~are available.~~ (added ATM 4/2/05)

(Government and By-Law Committee) (Required 2/3rd vote).

ARTICLE J. To see if the Town will vote to amend the Town of Rockport Code of By-Laws, CHAPTER 2, Town Meetings, §§ 1 through 6, as set forth below, specific only to the amendments indicated with strikethrough text to be deleted and new text to be inserted shown in bold. (Government and By-Law) (Requires majority vote):

CHAPTER 2. TOWN MEETINGS

Section 1. Powers and Duties

The legislative powers of the Town shall be vested in the Town Meeting. Town Meeting shall have all of the powers and duties given to town meetings under the state constitution, general laws of the Commonwealth and such additional powers as may be authorized by the Charter or by-laws duly voted upon.

Section 2. Manner in Which Town Meetings are to be Called

a. Warrants. Every **Town Meeting** shall be called pursuant to a warrant issued by the Board of Selectmen ~~which~~ **that** shall state the time and place at which the meeting is to convene and the subjects which are to be acted upon.

b. Notification. The Board of Selectmen shall cause copies of the warrant for each **Town Meeting** to be posted on the Town **Website**, **official Town Bulletin Boards as designated by the Board of Selectmen** and at the two post offices in the Town at least seven (7) days before the **annual** Spring Town Meeting and fourteen (14) days before the **standing special** Fall Town Meeting or any **other** Special Town Meeting. Such posting shall be deemed to be the legal notification of such meeting, and the legal service of such warrant.

c. **Ringling of Church Bells**. The Board of Selectmen shall ask that the ~~church~~ bells of the Town be rung for fifteen (15) minutes beginning one-half hour before any Town Meeting. The notification provided in this subsection c. shall not be deemed to be part of the legal notification of ~~the~~ Town Meeting and failure to comply with the provisions of this subsection shall ~~not~~ serve to invalidate the proceedings of any Town Meeting.

Section 3. Time of Meetings

a. In General. the Town Meeting shall meet in regular meetings twice each calendar year and in special meetings, at such times as the Select Board of Selectmen may direct or as otherwise provided by law.

b. Meeting Dates. The Spring Town Meeting, which shall be the Annual Town Meeting for purposes of M.G.L. c. 39 § 9, primarily concerned with the adoption of an annual budget and other warrant articles which have a fiscal effect on the Town, shall meet in April or May. The Fall Town Meeting, which shall be primarily concerned with non-fiscal matters, shall meet in September or October. Both the Spring and Fall Town Meetings shall be scheduled as follows: "By April 1st each year the Moderator shall submit a proposed schedule for the Spring and Fall Town Meetings for the next two succeeding calendar years for approval by the Board of Selectmen. (Added FTM 09/11/17)

Section 4. Preparation for Town Meeting

a. Public Hearing. Public Hearings on warrant articles are held for the purpose of informing interested citizens as provided by the Charter and other sections of the by-laws.

b. Amendments. When practical, anticipated motions to amend the main motion under any warrant article shall be provided to the Moderator in writing **forty-eight (48)** hours prior to Town Meeting. (Added FTM 0/11/17)

Section 5. Rules of Procedure

a. In General. The proceedings of Town Meetings shall be governed by the rules of parliamentary procedure contained in Robert's Rules of Order, as the same may be revised from time to time, so far as they may be adapted to Town Meetings, unless another provision is made by statute or by these by-laws.

b. Quorum. For any session, including any adjourned session, of ~~a meeting~~ **the annual Spring or the standing special Fall Town Meeting** convened ~~on a date specified in accordance with section 2, (b), of this by-law chapter,~~ the quorum shall be those persons present. For any other Town Meeting **one hundred fifty (150)** voters shall constitute a quorum, but a lesser number may vote to adjourn.

c. Order or Action.

(i) Other than the first six (6) articles of the Annual Town Meeting, which shall be acted upon in the order of their arrangement in the warrant, the order of action upon articles in the warrant shall be determined acted upon in the order of their arrangement in the warrant, the order of action upon articles in the warrant shall be determined by lottery conducted by the Town Clerk in such a manner to insure that, at all times, the meeting knows which article will follow the one on the floor. The Moderator may rule that certain warrant articles are related, in which event all related articles shall come on for action when the first of them is drawn.

(ii) Any person intending to move the adoption of a **non-binding** resolution not under any article shall give notice of any such proposed resolution to the Moderator prior to the opening of the meeting or as soon thereafter as practicable. The Moderator shall then announce to the Town Meeting the substance of the proposed resolution and shall further announce that the proposed resolution shall be considered immediately after all business under the warrant articles has been concluded.

(iii) The meeting may by four-fifths (**4/5th**) vote exempt any warrant article from the lottery and schedule it for action at any time certain or accelerate the time for consideration of any proposed **non-binding** resolution. The meeting may by majority vote to postpone action under any warrant article to a time certain. (Added 03/21/98 ATM)

(iv) Each main motion pursuant to an article in the warrant must be phrased so that an affirmative (yes) vote indicates approval of the subject matter of the article and a negative (no) vote indicates disapproval of such subject matter. The use "to postpone indefinitely" as a main motion is prohibited.

d. Participation in Debate. With respect to each article in the warrant, the Moderator shall first recognize the sponsor to offer a main motion. No person, except a legal voter of the Town, shall be permitted to take part in a Town Meeting except by permission of the Moderator.

e. Addressing the Meeting: **literature** No person shall address the meeting unless recognized by the Moderator, nor speak more than once on the same subject to the exclusion of

any other person who desires to speak, nor shall any literature other than copies of the warrant and official reports thereon be distributed in the building within which the meeting is held or within **one hundred fifty** (150) feet thereof except that literature (clearly identified as to its proponent or source) may, with the prior approval of the Moderator, be left on tables near the entrance for the voters to pick up when entering the hall.

f. Limitation of Individual Speakers. Unless granted an extension of time by vote of the meeting, the individual speaking as the principal proponent on a main motion shall not speak for more than ten **(10)** minutes. Subsequently, any person speaking on any motion shall not speak for more than five **(5)** minutes unless granted an extension of time by the meeting.

g. Division of Questions. If a motion is susceptible of a division, it shall be divided and the question put separately upon each part thereof if ten **(10)** voters so request, or the Moderator, in **the Moderator's** his discretion, so directs. (Amended 03/21/98)

h. Reconsideration. A motion to reconsider a matter previously acted upon shall require an affirmative vote of two-thirds (2/3rd) of those present and voting. Any person intending to move for reconsideration shall give notice of such intent to the Moderator promptly and in no event except by unanimous consent, more than thirty (30) minutes after the vote reconsideration of which is sought, regardless of whether or not the meeting is then in session. The Moderator shall, as soon as is practicable, inform the Town Meeting as to when the motion for reconsideration will be presented. All motions for reconsideration shall be presented before any new warrant article is taken up for action at the beginning of the next succeeding session of Town Meeting unless action on all other warrant articles is completed prior to the end of the session during which such notice is given, in which case motions for reconsideration shall be presented immediately after all other business, except for resolutions not under a warrant article, has been concluded.

i. Motion to Dissolve the meeting. No motion the effect of which would be to dissolve the meeting shall be in order until every article in the warrant has come to the floor and there has been a reasonable opportunity for a motion in accordance with Section 4 c (iv) of **this** chapter in relation to every article.

Section 6. Committees Serving Town Meeting

a. Finance Committee

- (i) Establishment. There shall be a Finance Committee having the responsibilities and organized in the manner described below.
- (ii) Composition. Term of Office. The Finance Committee shall consist of nine **(9)** voters, who shall hold no other Town office. The members shall be appointed for terms of three **(3)** years each, so managed that the terms of office of three **(3)** members shall expire each year.

- (iii) Appointment of Members. The members of the Finance Committee shall be appointed by the Board of Selectmen.
 - (iv) Time for Appointments. Appointments to the Finance Committee shall be made within thirty days **(30)** following the dissolution of the Spring Town Meeting **or by July fifteenth (15th) of that year whichever is later.**
 - (v) Duties. The Finance Committee in addition to its other statutory duties shall each year receive and review the proposed budgets submitted by the Town Agencies. The Committee shall conduct a series of meetings on the budget pursuant to Chapter 7, § ~~section~~ 6 (a) of the by-laws and thereafter shall file its recommended budget with the office of the Town Clerk for distribution to interested **persons** subsequent Town Meeting action pursuant to Chapter 7, § ~~section~~ 6 (b) **of these by-laws.** Copies of the minutes of the meetings of the Finance Committee shall be filed with the Town ~~Administrator~~ **Clerk** and made available to ~~all parties~~ **upon request.**
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- (vi) The Finance Committee shall prepare **recommendations** for Town Meeting ~~committee recommendations~~ pertaining to all warrant articles ~~which~~ **that** involve the expenditure of Town funds. ~~The Finance Committee it~~ may also, at its discretion, report on any article in the warrant.
 - (vii) Filling of Vacancies. Whenever a vacancy occurs on the Committee, the Board of Selectmen shall select a voter of the Town to fill the vacancy for the unexpired term.
- b. Town Government and By-Law Committee
- (i) Establishment. There shall be a Town Government and By-Law Committee, which shall be an advisory committee pursuant to M.G.L. c. 39, ~~Section~~ §16 and shall have the responsibilities and ~~be~~ organized in the manner described below.
 - (ii) Composition; Term of Office. The Town Government and By-law Committee shall consist of five (5) members who shall hold no other Town Office. The members shall be appointed for terms of three **(3)** years each, so arranged that as nearly an equal number of terms as possible shall expire each year, **provided, however, that members may be removed for cause after notice and the opportunity for a hearing.**
 - (iii) Appointment or Members. The members of the Town Government and By-law Committee

shall be appointed by an appointing committee consisting of the Moderator, the Chairman of the Board of Selectmen and ~~the Chairman of the Finance Committee~~ the **Town Clerk**.

- (iv) Duties. The Town Government and By-law Committee shall review all warrant articles which would, if adopted, effect or require changes in these **By-Laws**. The Committee shall also be responsible for the quinquennial **(5 year)** review of the **By-Laws** and for the review of proposed changes in the **Charter**. The Committee shall investigate and report on those by-laws ~~which~~ that appear to need revision as evidenced by non-compliance, at any time.
- (v) The Committee shall prepare a written report stating the Committee's recommendations for favorable or unfavorable action and the reasons therefore, pertaining to any warrant articles ~~which that~~ would, if adopted, effect changes in the by-laws or the **Charter**.
- (vi) Filling of Vacancies. Filling of Vacancies. Whenever a vacancy occurs on the Committee, the Moderator shall fill the vacancy for the unexpired term.

c. Special Committees

- (i) Establishment. All special committees created by action of the Town Meeting shall be appointed by the Moderator, unless the Town directs otherwise, and shall report as directed by the Town.
- (ii) Organization. Each committee shall notify the Town Clerk of its organization, the time and place of its meetings and of any vacancies ~~which that~~ may occur on the committee.
- (iii) Term. All such special committees, unless the Town directs otherwise, shall be deemed to be dissolved as of the date of the adjournment of the Spring Town Meeting next following their creation or extension. ~~All special committees in existence at the passage of this section shall be deemed to be in existence until the adjournment of the next Spring Town Meeting~~
- (iv) Report. When the report of a committee is placed in the hands of the Moderator it shall be deemed to be properly before the meeting for its action thereon. A vote to accept the report shall discharge the committee but shall not be the equivalent to a vote to carry out its recommendation without a special vote to adopt ~~them, but~~ its recommendations. The service of such committee may be extended by vote of the Town. (Government and By-Law Committee) (Required 2/3rd vote).

ARTICLE K. To see if the Town will vote to amend the Town of Rockport Code of By-Laws, CHAPTER 3, Elected Officers, as set forth below, specific only to the amendments indicated with strikethrough text to be deleted and new text to be inserted shown in bold. (Government and By-Law) (Requires majority vote):

CHAPTER 3. ELECTED OFFICERS

Section 1. Annual Town Elections

The Annual Town Election to fill elected Town offices, and to determine any matters ~~which~~ **that** must be determined by referendum election, shall be held a Tuesday in May or June as scheduled by the Board of Selectmen **except that such date may be delayed in a state of emergency in the manner provided by law.** (Amended ATM 03/24/01 & FTM 9/12/05 & FTM 9/11/17)

Section 2. Hours of Voting

During all annual Town elections, the polls shall open at 7:00 a.m. and shall remain open until 8:00 p.m.; **unless otherwise voted by the Board of Selectmen at least thirty (30) days prior to the date of the election,** however, those who arrive by 8:00 p.m. shall be allowed to vote.

Section 3. General

a. Elective Offices. The offices to be filled by the voters shall be the Board of Selectmen, School Committee, Board of Assessors, Trustees of the Public Library, Moderator, Town Clerk, Planning Board, Housing Authority and such members of regional authorities or districts as may be established by statute, inter-local agreement or otherwise.

b. Compensation. Elected Town officers shall receive for their services such compensation as may annually be provided for that purpose by appropriation **by Town Meeting.**

c. Coordination of Officers. Notwithstanding their election by the voters, the Town officers named in this article shall be subject to the call of the Board of Selectmen, at all reasonable times, for consultation, conference and discussion of any matter relating to their respective offices.

Section 4. Board of Selectmen

a. Composition: Term of Office. There shall be a Board of Selectmen consisting ~~of five~~ **(5)** members elected for three **(3)** year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

b. Powers and Duties. The executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all of the powers and duties given to boards of selectmen under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the Charter, by-law, or other Town Meeting vote. The Board of Selectmen shall cause the laws and orders of the government of the Town to be enforced and a record of all its official acts to be kept.

c. Appointing Powers. The Board of Selectmen shall appoint the Zoning Board of Appeals, Collector and Treasurer, Veterans' Agent, Sealer of Weights and Measures, Inspector of Animals, Officers and Registrars of Voters other than a Town Clerk, Director of Emergency Management, Election Officers, Forest Warden, Building Inspector, Town Accountant, Finance Committee, Town Attorney, members of the Town Police Department, Fire Engineers, members of the Board of Health, a Board of Commissioners of Public Works, Town Administrator, and members of all appointed multiple member bodies for whom no other method of selection is provided by the Charter, by-law, general or specific law, except persons serving under other elected Town Officers and officials appointed by state officers.

d. Licensing Authority. The Board of Selectmen shall be the licensing board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

e. Additional Powers and Duties. In addition to those powers and duties given by the Charter or by the By-Laws, the Board of Selectmen shall have the following powers and duties:

(i) The Board of Selectmen shall be the agents of the Town to institute, prosecute, defend, and compromise all claims, actions, and proceedings by or against the Town or in which the rights or interests of the Town are or may be involved;

(ii) The Board of Selectmen shall have the authority to authorize the sale or disposal of any property or material within the possession or control of any Town Agency that has become obsolete or is not required for further use by the Town Agency and shall have the sole authority to authorize in writing the sale or other disposal of any such property having a value of more than **five hundred dollars (\$500)** and not exceeding **one thousand dollars (\$1,000)** in value;

(iii) The Board of Selectmen shall have the authority and duty, consistent with other by-laws, to issue and revoke licenses to specific persons to engage in the activities set forth below. Such licenses may specify the terms and conditions under which such activities may be conducted. Such activities include, but are not limited to:

(1) the purchasing, selling or bartering of junk old metals or second and articles within the Town;

- (2) the setting up, using or driving of hackney carriages for the conveyance of persons for hire from place to place within the Town to places outside the Town;
- (3) the discharging, exploding, setting off (or causing any of the foregoing) fireworks within the Town;
- (4) the setting up, operating or carrying on of any self-service laundry or laundromat, ~~Laundromat, so-called,~~ or self-service dry cleaning establishment;
- (5) the setting up, operating or carrying on of any business as a transient vendor as defined in **M.G.L. c. 101 Section § 1**;
- (6) the hawking or peddling of any magazines, publications, books, magazine or book subscriptions;
- (7) setting up, operating or carrying on of any business for which a license is required by statute to be issued or which may be issued by the licensing authority of the Town; **and**
- (8) **setting up, operating of carrying on of a livery boat service.** (added ATM 04/03/04)

Every license so granted shall expire on the first (1st) day of May next after the date thereof. No license shall become effective until the licensee has paid to the Town Treasurer the appropriate fee. No license may be sold, assigned, or transferred without the consent of the Board of Selectmen endorsed thereon;

(iv) The Board of Selectmen shall have the authority and duty, consistent with other laws, to issue and revoke permits to specific persons to engage in the activities set forth below. Said permits may specify the terms and conditions under which such activities may be conducted. Such activities include but are not limited to:

- (1) the placing of any house, or other building, in any street in the Town; **and**
- (2) the placing of any obstruction in any street or upon any sidewalk within the Town and allowing it to stay there;

(v) The Board of Selectmen, unless otherwise provided by law, may establish and promulgate fees to be charged ~~for licenses or permits issued by them:~~

(1) **for licenses or permits issued by it**, by Town agencies, committees and boards for permits or other services rendered by said agencies, **committees and boards** unless fees or conditions have been established by law or otherwise; **and**

(2) for beach parking, resident parking, and transfer station stickers issued by Town agencies;

(vi) The Board of Selectmen shall supervise and be responsible for the efficient administration of all functions under its control, as may be authorized by the Charter, by-law, or by other town meeting vote including all officers appointed by it and their respective departments;

(vii) The Board of Selectmen shall appoint, and may remove, subject to the Civil Service Law, **M.G.L. c. 31** where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in the Charter, except persons serving under other elected agencies and appointments made by representatives of the Commonwealth;

(viii) The Board of Selectmen shall supervise and be responsible for the administration of all personnel policies, practices and related matters for all municipal employees as established by Classification and Compensation Plan, by-law and all collective bargaining agreements entered into by the Select Board of Selectmen of behalf of the Town; (Amended 03/24/01)

(ix) The Board of Selectmen shall fix the compensation of all Town officers and employees appointed by it within the limits established by appropriations and the Classification and Compensation plan adopted by the Town Meeting; (Amended 03/24/01)

(x) The Board of Selectmen shall see that all of the provisions of the general laws, the Charter, the By-Laws and other Town Meeting votes that require enforcement by it, or officers and employees subject to its discretion and supervision, are faithfully carried out;

(xi) The Board of Selectmen shall prepare and submit a proposed annual operating budget and a proposed capital budget as provided in Chapter 6 7;

(xii) The Board of Selectmen shall assure that a full and complete record of the financial and administrative activities of the Town is kept and shall render a full report to the Town Meeting at the end of each fiscal year and such other times as the Town Meeting may require;

(xiii) The Board of Selectmen shall have full jurisdiction over the rental and use of all Town facilities, except schools and properties designated by **the** Charter or by-law or other Town Meeting vote. It shall be responsible for the maintenance and repair of all Town property placed under its control by **the** Charter, by-law or by other Town Meeting vote;

(xiv) The Board of Selectmen may at any time inquire into the conduct of office of any officer, employee or department under its control;

(xv) The Board of Selectmen shall keep a full and complete inventory of all property of the Town, both real and personal;

(xvi) The Board of Selectmen shall be responsible for the negotiation of all contracts involving any subject within its jurisdiction;

(xvii) The Board of Selectmen shall be responsible for purchasing all supplies, materials and equipment, and shall award all contracts for all departments and activities of the Town. It shall examine and inspect, or cause to be examined or inspected the quality, quantity and condition of materials, supplies or equipment delivered to or received by any Town Agency. It may examine services performed for any Town Agency secured through the purchasing procedure;

(xviii) The Board of Selectmen shall prepare a table or organization establishing personnel requirements within the Town Agencies created by by-law or Charter;

(xix) The Board of Selectmen shall perform any other duties required of it by the Charter, by-law, or other Town Meeting vote;

(xx) The Board of Selectmen shall establish emergency calling numbers for various departments of the Town and shall indicate which calling numbers shall be used by automatic or mechanical calling or signal devices and which numbers shall be restricted to individual or personal use. Any person who intends to install an automatic or mechanical calling or signaling device ~~which~~ **that** is designed to call or use a Town of Rockport Administrative calling number shall notify the Chief of Police;

(xxi) The Board of Selectmen is authorized to accept gifts of land and easements on behalf of the Town without a Town Meeting vote provided no appropriation of funds is necessary for the acquisition; and (added ATM 04/05/03)

(xxii) The Board of Selectmen shall have the authority to apply for and expend state and federal grants ~~which~~ **that** require town appropriation, subject to Town approval of the expenditure of those funds. (added ATM 04/05/03)

Section 5. School Committee

a. Composition; Term of Office. There shall be a School Committee consisting of five (5) members elected for three (3) year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

b. Powers and Duties. The School Committee in ~~each city and the Town and each regional school district~~ shall have the power to select and to terminate the superintendent, shall review and approve budgets for public education in the district and shall establish educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the ~~board of education~~ **Department of Elementary and Secondary Education**.

Section 6. Board of Assessors

- a. Composition; Term of Office. There shall be a Board of Assessors consisting of three (3) members elected for three (3) year terms, so arranged that one (1) term shall expire each year.
- b. Powers and Duties. The Board of Assessors shall annually make a valuation of all property, both real and personal, within the Town. The Board of Assessors may appoint an appraiser and shall have all of the powers and duties given to boards of assessors under the laws of the Commonwealth, and such additional powers and duties as may be authorized by the Charter, by-law or other Town Meeting vote.
- c. Additional Powers and Duties. The Board of Assessors shall have the following additional duties:
 - (i) The Board of Assessors shall compile and deliver the tax list and warrant for collections to the Town Collector. Additional warrants shall be issued to the Collector for all taxes assessed or reassessed which are not covered by the original warrant; **and**
 - (ii) The Board of Assessors shall keep the record of all tax abatements required by law. Each month the Board of Assessors shall notify the Town Collector and Town Accountant in writing of the amount of taxes abated in the preceding month, stating separately the amount abated from each tax levy.

Section 7. Board of Library Trustees

- a. Composition; Term of Office. There shall be a Board of Library Trustees consisting of three (3) members elected for three (3) year terms so arranged that one (1) term shall expire each year.
- b. Powers and Duties. The Board of Library Trustees shall have the custody and management of the library and of all property of the Town related thereto. All money raised or appropriated by the Town for its support and maintenance shall be expended by the Board, and all money or property that the Town may receive by gift or bequest shall be administered by the Board in accordance with the provisions of such gift or bequest. The Board of Library Trustees shall have all of the powers and duties given to boards of library trustees under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the Charter, by-law or other Town Meeting vote.

Section 8. Moderator

a. Composition; Term of Office. There shall be a Moderator elected for a three (3) year term.

b. Powers and Duties. The Moderator shall preside and regulate the proceedings at all sessions of the Town Meeting, decide all questions of order and make public declarations of all votes. The Moderator shall have all of the powers and duties given to moderators under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the Charter, by by-law or by other Town Meeting vote.

Section 9. Planning Board

a. Composition; Term of Office. There shall be a Planning Board consisting of five (5) members elected for three (3) year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

b. Powers and Duties. The Planning Board shall make studies and prepare plans concerning the resources, possibilities and needs of the Town. The Planning Board shall have the power to regulate the subdivision of land within the Town by the adoption of rules and regulations governing such development. The Planning Board shall annually report to the Town giving information regarding the condition of the Town and any plans or proposals known to it affecting the resources, possibilities and needs of the Town. The Planning Board shall have all of the powers and duties given to planning boards under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the Charter, by by-law or by other Town Meeting vote.

Section 10. Housing Authority

a. Composition; Term of Office. There shall be a Housing Authority consisting of five (5) members. Four (4) members shall be chosen by ballot; **as required by the provisions of M.G.L. c. 121B, § 5 and** the fifth member shall be a resident of the Town, appointed by the Department of Housing and Community Affairs or as provided by law. Housing Authority members shall serve five (5) year terms, so arranged that one (1) term shall expire each year.

b. Powers and Duties. The Housing Authority shall have all of the powers and duties given to housing authorities under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the Charter, by-law or other Town Meeting vote.

Section 11. Town Clerk

a. Composition; Term of Office. There shall be a Town Clerk elected for a three (3) year term.

b. Powers and Duties. The Town Clerk shall have all of the powers and duties given to town clerks under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized by the Charter, by by-law or by other Town Meeting vote. The Town

Clerk shall have custody of the Town Seal and shall record and file all agreements and all other papers and documents affecting the interests of the Town.

c. Additional Powers and Duties. The Town Clerk shall have the following additional powers and duties:

(i) Unless otherwise specified by these by-laws, the Charter, a rule or regulation of a Town Agency or other law, the Town Clerk's office shall be the official place for the filing of any document ~~which~~ **that** may or should be filed with the Town;

(ii) The Town Clerk shall have available a supply of current **paper** copies of the "Rockport Code of By-laws", "Zoning Bylaw, Town of Rockport"; and all other by-laws, rules and regulations for which a minimum fee shall be charged. **Electronic copies of these documents will be available on the Town Website at no charge;**

(iii) The Town Clerk shall, as soon as practicable after any Town Meeting, transmit to the Board of Selectmen, Town Treasurer, Town Accountant, and to the Board of Assessors certified copies of all warrant articles passed by the Town Meeting appropriating money or otherwise affecting the finances of the Town, and within the same time period, the Town Clerk shall transmit to all Town Agencies a certified copy of any warrant article passed by Town Meeting affecting their respective powers and duties;

(iv) The Town Clerk shall notify the Board of Selectmen or other appointing authority of any vacant committee, board or department appointments;

(v) The Town Clerk shall record, file for publication and maintain a current list of all acts of the Legislature accepted by the Town;

(vi) The Town Clerk shall, as soon as practicable after any Town Meeting, record, file for publications and make all revisions necessitated by any changes in, or additions to, the Code of By-Laws voted in any Town Meeting or otherwise affecting them;

(vii) The Town Clerk shall, as soon as practicable after any election has been held by the Town, in addition to the notices he is now required to give officers whom required to take an oath of office, also issue a written or printed notice to all persons who have been elected to any other office or chosen to serve on any other committee, stating the office to which such person has been elected or the duties which such committee was chosen to perform;

(viii) The Town Clerk shall keep and cause to be permanently bound one or more files of the Town reports;

(ix) The Town Clerk shall keep a record of all highways and Town ways within the Town with an index thereto;

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(x) The Town Clerk shall see that every conveyance to the Town or any interest in land is properly recorded in the Registry of Deeds and shall keep a true copy of all deeds, conveyances, or other instruments affecting any interest in land executed by the Board of Selectmen and shall keep on file all deeds delivered to the Town. The Town Clerk shall keep on record the reports of all committees made to the Town; **and**

(xi) The Town Clerk has authority to update Town documents, including by-laws and regulations, by updating citations to statutes and Uniform Resource Locators “URLs” as they change without going to Town Meeting for permission. The Town Clerk will notify the Select Board, via the Town Administrator, when such changes are made. The Town Clerk will further have authority to update names of federal and state agencies as they are changed.

(Government and By-Law Committee) (Requires majority vote).

ARTICLE L. To see if the Town will vote to amend the Town of Rockport Code of By-Laws, CHAPTER 7, Finances and Fiscal Procedures, Sections: A. Budget and Fiscal Procedures, B. Records and Reports, C. Tax Title Land and D. Land Bank Fund, as set forth below, specific only to the amendments indicated with strikethrough text to be deleted and new text to be inserted shown in bold. (Government and By-Law) (Requires majority vote):

CHAPTER 7. FINANCES AND FISCAL PROCEDURES

A. Budget and Fiscal Procedures

Section 1. Fiscal Year

The Fiscal year of the Town shall begin on July first (~~1st~~) and end on June thirtieth (~~30th~~), unless another provision is made **otherwise provided by Massachusetts General Law.**

Section 2. School Committee Budget

The budget adopted by the School Committee shall be submitted to the Board Selectmen in sufficient time to enable it to prepare the total Town budget it is required to submit by Section 3.

a. Public Hearing. The School Committee shall cause to be ~~published in a local newspaper~~ **posted on the Town Website and provided in any other way the School Committee deems appropriate to notify residents of the Town** a general summary of its proposed budget. The summary **which shall also be posted on the Town Website and available in the offices of the Superintendent of Schools and the Town Clerk** shall indicate specifically any major variations from the present budget and the reasons for such variations and ~~a notice stating~~ **shall also provide:**

(i) the times and places where complete copies of the budget shall be available for examination by the public, and

(ii) the date, time and place, not less than seven **(7)** nor more than fifteen **(15)** days following such publication, when a public hearing shall be held by the School Committee on the proposed budget.

b. Adoption. The action of the School Committee in adopting the budget following the public hearing shall be summarized **consistent with the Open Meeting Law, M.G.L. c. 30A, § 18-25** and the vote of each member on any amendments offered to the proposed budget shall be duly recorded, **by roll call vote.**

Section 3. Submission of Proposed Finance Plan and Budget

By ~~January 31st~~ **February fifteenth (15th)** of the preceding fiscal year the Board Selectmen shall submit to the Finance Committee a proposed financial plan and budget for the ensuing fiscal year along with a budget message and supporting documentation. (changed ATM 03/24/01)

Section 4. Budget Message

The budget message submitted by the Board of Selectmen shall explain the proposed budget for all Town Agencies. It shall outline proposed financial policies of the Town for the ensuing fiscal year; describe important features of the budget; indicate any major variations from the budget for the current year in financial policies, expenditures and revenues together with the reasons for such changes; summarize the Town's debt position; and include such other material as the Board of Selectmen deems desirable.

Section 5. The Proposed Budget

The proposed budget shall provide a complete financial plan of all Town funds and activities including the budget as requested by the School Committee for the ensuing year. Except as may otherwise be required by General Law or by the Charter, ~~it~~ **the proposed budget** shall be in the form the Board of Selectmen deems desirable.

Section 6. Action on the Budget

a. Finance Committee Meetings. The Finance Committee shall consider in meetings the detailed expenditures for each Town Agency submitted by the Board Selectmen and may confer with representatives of any such agency in connection with such considerations. The Finance Committee may require the Board of Selectmen or any other Town Agency to provide such additional information as it deems necessary or desirable in furtherance of its responsibility.

b. Presentation to the Town Meeting. The Finance Committee shall file a report of its recommendations with the Town Clerk at least seven (7) days before the action on the budget article is to begin. The budget to be acted upon by the Town Meeting shall be the budget as proposed by the Finance Committee.

Section 7. Financial Public Records

Statements summarizing the budget, the capital budget, and related articles, as adopted by the Town Meeting shall be made available in the office of the ~~Town Administrator~~ **Town Clerk** for examination by the public within a reasonable time after their adoption.

Section 8. Approval of Financial Warrants

a. Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the **General Laws** shall be submitted to the Board of Selectmen. The approval of any such warrant by the Board of Selectmen shall be sufficient authority to authorize payment by the Town Treasurer.

b. Departments ~~Heads~~ (other than the School Department, which has budget autonomy by statute) may reallocate funds in their respective department budgets between line items of Labor Accounts and ~~such Department Heads~~ may also reallocate funds between line items of Non-Labor Accounts if such reallocation is submitted in writing to the Town Accountant and approved by the Department's appointing authority. However, no such allocation shall be allowed between Labor and Non-Labor line items. (added STM 9/8/2003)

Section 9. Accounting System.

All accounts of the Town shall be kept in accordance with the system established by the Director of the Bureau of Accounts of the Massachusetts Department of Revenue, and said accounts shall be audited at such times as the **Director** shall determine under the supervision of said **Director** pursuant to the provisions of ~~Chapter M.G.L. c. 44, Section § 35 of the General Laws~~. The accounts may be audited by an independent auditor retained by the Town at such times and in such manner as the Selectmen may determine in their sole discretion.

Section 10 Establishment of Revolving Accounts (Added ATM 4-1-2017, BOH Added ATM May 2021)

Revolving Funds

There are hereby established in the Town of Reekport pursuant to the provisions of General Laws, Chapter M.G.L. c. 44, Section § 53E½, the following Revolving Funds:

PROGRAM or PURPOSE	DEPARTMENT RECEIPTS	REPRESENTATIVE or BOARD AUTHORIZED TO SPEND
Community House (building maintenance purposes)	Received in connection with use of the Community House	Director of Public Works
Council on Aging (paying senior class teachers & related expenses)	Received in connection with Council on Aging Senior classes	Council on Aging
Board of Health (public health clinics, emergencies and related drills)	Received in connection with clinics, emergencies and related services	Board of Health

Expenditures from each revolving fund set forth herein shall be subject to the limitation established by Town Meeting, or any increase therein, all as may be authorized in accordance with M.G.L. c. 44, §53E½.

And to set fiscal year spending limits for such revolving funds as follows:

Program or Purpose	FY Spending Limit
Community House (building maintenance purposes)	\$28,000
Council on Aging (paying Senior class teachers & related expenses)	\$60,000
Board of Health (public health clinics, emergencies and related drills)	\$30,000

Section 11. Disposal of Town Property.

Any Town Agency may sell, or otherwise dispose of, any property or material not exceeding **five hundred dollars** (\$500) in value within its possession or control which has become obsolete, or is not required for further use by it, in accordance with procedures established by the Board of Selectmen.

Section 12. Statement of Accounts Due

At least once in every month each department of the Town shall deliver to the Town Accountant a statement of each account due the Town arising from transactions in said departments. Such

accounts are to be committed to the Town Collector and Treasurer for collection. This section is to include all taxes and special assessments, costs and fees charged by each department;

Section 13. Interest on Unpaid Water and/or Sewer Bills (changed ATM 4-1-17)

Any water and/or sewer bill which is unpaid after thirty (30) days from the due date shall incur interest from that date at the rate at which interest may be charged on tax bills under the provisions of ~~M.G.L. Mass General Laws, Chapter c. 59, Section § 57.~~

Section 14. Revocation or Suspension of Local Licenses and Permits Reserve
(ATM 4/1/2006)

a. Report of Tax Delinquents

~~In accordance with Massachusetts General Laws Chapter 40, Section 57, as amended, The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually~~ **and may periodically** furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve month period;~~ and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

b. Notice and Hearing

The licensing authority may deny, revoke or suspend any license or permit including renewals or transfers **of any party whose name appears on** ~~issued by it if the person that applied for or holds the license is on the~~ said list furnished by the Tax Collector, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished by the Tax Collector. Prior to such denial, revocation or suspension, the licensing authority shall hold a hearing for which written notice shall be given by the licensing authority to the applicant or holder and to the Tax Collector. Such written notice shall be delivered or sent by certified mail not less than fourteen days **(14)** prior to the date for the hearing. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any decision made by the licensing or permit authority with respect to such denial, revocation or suspension shall be made only for the purpose of such hearing and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such denial, revocation or suspension. Any license or permit denied, suspended or revoked under this ~~Section Article 14b~~ shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the person has no unpaid tax, fee, assessment, betterment or other charge due to the Town as of the date of issuance of said certificate.

c. Payment Agreement

Any party shall be given an opportunity to enter into a payment agreement thereby allowing the licensing authority to issue a certificate indicating such limitations to the license or permit. The validity of said license or permit shall be conditioned on the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder shall be given written notice by delivery or by certified mail and a hearing not less than fourteen days **(14)** after such notice.

d. Waiver

The applicant or holder may appeal in writing to the Board of Selectmen the decision of the licensing authority to deny, suspend, or revoke a license or permit in accordance with paragraph b. above within five (5) days of the decision. The Board of Selectmen shall hold a hearing on the appeal not less than fourteen (14) days after written notice of the hearing is delivered or sent by certified mail to the appealing person, the Tax Collector, and the licensing authority. The Board of Selectmen may waive such denial, suspension, or revocation if it finds after the hearing that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of ~~his~~ **the property owner's** immediate family, as defined in **M.G.L. 268, Section § 1**, in the business or activity conducted in or on said property.

e. Exceptions

<u>License or permit</u>	<u>Massachusetts General Laws</u>
Bicycle permits	Chapter 85, Sec. 11A
Children work permits	Chapter 149 sec. 69
Clubs or associations dispensing food or beverage licenses	Chapter 140, see. § 21E
Dog licenses	Chapter 140, see § 137
Fishing, hunting and trapping licenses	Chapter 131, see. § 12
Marriage licenses	Chapter 207, see. § 28
Open burning	Chapter 48, see. § 13
Sales of articles for charitable purposes	Chapter 101, see. § 33
Theatrical events, public exhibition permits	Chapter 140, see. § 181

B. Records and Reports

Section 1. Records Required

All Town officials and appointed **boards, commissions, and** committees shall cause records of their **activities** and accounts to be kept in suitable books consistent with the requirements of the Public Records Law. **M.G.L. c. 66 and posted on the Town Website.** ~~The persons having charge of the same shall transmit them to their successors in office.~~ Whenever a vote affecting any Town committee is passed the Town Clerk shall transmit a copy of the vote to such committee.

Section 2. Access to Records

Any person shall have access, at any reasonable time, to the public records of the Town and shall have the right to examine them, **download then or make paper** copies of them by applying to the officer in charge of the same, in accordance with the provisions of M.G.L. c. 66, § 6A as it may be **amended from time to time**.

Section 3. Annual Reports

All Town officials, **boards** and committees appointed by the Board of Selectmen shall submit a report of their activities and projects, during the past calendar year, to the Board of Selectmen on or before January **fifteenth** (15th) of each year, for inclusion in the Annual Town Report.

C. Tax Title Land

Section 1. Sale of Tax Possession Property

a. The Selectmen are hereby empowered to sell at public auction all or any of the Town property acquired by virtue of sale for non-payment of taxes, which sales have been confirmed by the Land Court or the Tax Commissioner and they are authorized to give deeds therefor.

b. The Selectmen shall, not less than twenty-one (21) days before such sale, file a notice thereof with the Town Clerk, who shall post a copy of the notice on the **Town Website and on a bulletin board** in the Town Hall. The Selectmen shall also have a copy of the notice published at least twenty-one (21) days before such sale in a newspaper having a circulation in the Town. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state the date, time and place appointed for the sale thereof, and the terms and conditions of such sale. Failure to send or to post a notice as herein provided, or any insufficiency in the notice sent or posted, shall not invalidate the title to any property sold hereunder provided the deed is approved by the Selectmen. At such sale or any adjournment thereof, if, in their opinion, no bid is made which approximates the fair value of the property, a sale need not take place. No bid is accepted until the deed, drawn in accordance therewith, has been approved by the Selectmen and accepted by the successful bidder.

c. The Selectmen shall include, as a part of their report in the Annual Town Report, a listing, by parcel, of all property sold under this by-law which listing shall include the date of sale, the name of the purchaser, a general description of the property and the sale price.

d. This by-law shall not be construed to prevent the Town of ~~Reekport~~ from disposing of such property under the provisions of **M.G.L. Mass General Laws c. 40, § 3**.

Section 2. Town Meeting Vote

A majority vote of a regular or special Town Meeting shall be required to authorize the sale of any Town real estate acquired through tax title proceedings **unless a higher number of votes is required by law**. Such authorization shall expire one **(1)** year from the date of the authorizing vote.

D. Land Bank Fund

Section 1. Establishment

A permanent fund, to be known as the Land Bank Fund, to be used for the acquisition of land for municipal purposes is hereby established. Funding for said Fund may by Town Meeting vote be obtained from the sale of parcels of tax title, tax possessions, and Town property, from state and federal grants or aid, from gifts, from trusts and foundations and from any other source that the Town may vote to appropriate to the Fund.

Section 2. Appropriations

The Town may appropriate money from the fund only for the acquisition of land for municipal purposes by a two-thirds **(2/3rds)** vote in favor of such appropriation at any regular or special Town Meeting.

(Government and By-Law Committee) (Requires majority vote).

ARTICLE M. To see if the Town will vote to amend the Town of Rockport Code of By-Laws to update and/or standardize all state and federal citations as well as update the names of state and federal agencies as they appear throughout the entire Code of By-Laws by authorizing the Government and By-Law Committee to make such updates as they deem necessary during the course of their ongoing By-Law c. 2, § 6 b (iv) review ; said updates to be reported to Town Meeting on an ongoing basis throughout said review; or act on anything relative thereto. (Government and By-Law Committee) (Requires majority vote).

ARTICLE N. To see if the Town will vote to amend the Town of Rockport Code of By-Laws to correct all mistakes of grammar, capitalization, punctuation, and typographical errors as well as conform numerals and written numbers throughout the entire Code of By-Laws by authorizing the Government and By-Law Committee to make such changes as they deem necessary during

the course of their ongoing By-Law c. 2 section 6 b (iv) review; said updates to be reported to Town Meeting on an ongoing basis throughout said review; or act on anything relative thereto. (Government and By-Law Committee) (Requires majority vote).

And you are directed to serve this Warrant by posting attested copies of the same at each of the Post Offices, the Town Bulletin Board and in other public places in each village of the Town, fourteen days at least before the day of the holding of said FALL TOWN MEETING.


Hereof fail not and make due return of this Warrant, with your doings thereon to the Town Clerk, three days at least before Monday, September 12, 2022.

Given under our hands and seal of the Town this 16th day of August 2022 A.D.

BOARD OF SELECTMEN
TOWN OF ROCKPORT



Ross C. Brackett, Chair

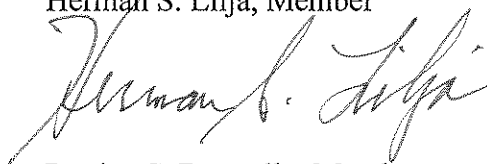


Sarah J. Wilkinson, Vice Chair

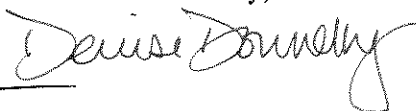
Paul F. Murphy, Member



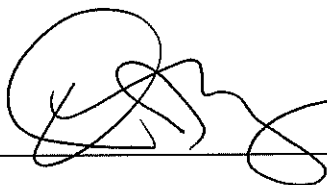
Herman S. Lilja, Member



Denise C. Donnelly, Member



A TRUE COPY ATTEST:



Constable for the Town of Rockport